



BUILDING CODE BOARD OF APPEALS
MONDAY, NOVEMBER 15, 2021 - 7:00 PM
Meeting Room 2, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

-
- 1. Call to Order**
 - 2. Approval of Minutes**
 - A. November 1, 2021
 - 3. Rehearing Reuquests**
 - A. One Mechanic Street, LLC, 1 Mechanic Street (Tax Map 91, Lot 264), zoned LD: Request to rehear an appeal concerning an interpretation of Section 306.1 ("Access") and Section 306.5 ("Equipment and Appliances on Roofs or Elevated Structures") of the International Mechanical Code (IMC) by the Building Code Official, denied by the Board on November 1, 2021. BCBA2021-01A
 - 4. Adjournment**

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

If you have any questions or would like to view the files for the application identified above, please contact the Planning & Development Department by sending an e-mail to planning@lebanonnh.gov, or by calling 603-448-1457, or by visiting the Planning and Development Office located in City Hall during regular work hours, Monday through Thursday, 7AM to 5PM. The application materials will also be posted to the City's website at LebanonNH.gov/Agendas.

Agenda
Building Code Board of Appeals
November 15, 2021

Agenda Item #2A
Approval of Minutes

November 1, 2021

DRAFT

LEBANON BUILDING CODE BOARD OF APPEALS
MONDAY, November 1, 2021, 7:00 PM
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

MEMBERS PRESENT: Vice Chair Jennifer Mercer, Dan Nash, Jeremy Katz, Dave Newlove, Paul McDonough (Alt), Jennifer Barkley (Alt)

MEMBERS ABSENT: Chair William Koppenheffer

STAFF PRESENT: Tim Corwin – Senior Planner and Zoning Administrator

1. CALL TO ORDER

The meeting was called to order at 8:35 PM by Vice Chair Mercer.

Mr. Katz recused himself.

Mr. McDonough and Ms. Barkley were given voting privileges for this meeting.

2. APPROVAL OF MINUTES

A. October 18, 2021

Mr. Nash MOVED to approve the October 18, 2021, Minutes as presented in the November 1, 2021, with amendments.

Seconded by Mr. Newlove.

Amendments. Page 1, Line 5; Add ‘Mr. Katz recused himself.’

**The Vote on the Motion was approved (5-0).*

3. PUBLIC HEARING ITEMS

A. One Mechanic Street, LLC, 1 Mechanic Street (Tax Map 91, Lot 264), zoned LD: An appeal concerning an interpretation of Section 306.1 (“Access”) and Section 306.5 (“Equipment and Appliances on Roofs or Elevated Structures”) of the International Mechanical Code (IMC) by the Building Code Official. BCBA2021-01 - Continued from October 18, 2021

This hearing is still open. Mr. Jeremy Katz, the manager of One Mechanic Street LLC, appeared. There have been a series of submissions by staff and briefings by the code inspectors. He has some questions about the submissions and would like to discuss those submissions, so he can fully understand them. He stated his questions.

1. Is it correct that any appliance will require a flat surface for any work person to stand on to service and work on at body level?
2. Is there any instance where heat pumps could be installed 10-15 feet high and serviced on a ladder?
3. Does the building inspector agree with the October 20th ICC statements regarding the intent of the sections 306.1 and 306.5 of the code?

1 4. Does the building inspector agree that the building inspector's interpretation is different from the
2 ICC's and does he agree that reasonable people can read 306.1 and 306.5 and interpret opposite
3 obligations?
4

5 Mr. Brad Shaw and Mr. Calvin Honeywell, building inspectors for the City, appeared, and replied to
6 the questions.
7

8 1. The flat surface and the heat pump do not necessarily have to be at body level, the ground could be
9 used as a flat surface if it can be serviced without an obstruction. The heat pump could be sitting near
10 the ground.
11

12 2. The ICC does not want a ladder to be used to access a flat surface that is above 16 feet, and
13 therefore he is confident that they would not want the heat pump serviced from the ladder at that
14 height.
15

16 3. Mr. Shaw thinks the ICC has a difficult time because they do not list wall mounted units in the
17 code, therefore they cannot talk about or comment on wall mounted units.
18

19 4. Mr. Shaw agrees the building inspectors' interpretation is different from the ICC. He thinks ICC
20 cannot discuss Section 306.1 because there are zero exceptions to that section. Because the code has
21 nothing written about wall mounted units, therefore the ICC could not respond.
22

23 Vice Chair Mercer asked about the response from the ICC regarding the Board's questions to the
24 ICC. She read that the ICC stated the code is silent on the flat surface for wall mounted heat pumps.
25 The example that was given referenced a wall hung heater near the ceiling of a high bay warehouse
26 that did not require a flat surface to service the unit. There is not an unobstructed path to the unit in
27 the applicant's situation.
28

29 Mr. Nash said the ICC said heat pumps are appliances. Anything that uses energy is an appliance, but
30 Mr. Nash thought in another instance, the ICC commented that it is not an appliance because there is
31 no combustion. The ICC said they may need to rewrite the terminology with the ICC to clarify this
32 discrepancy. The IMC believes the inspectors have the right to interpret code to maintain safety. Mr.
33 Nash believes the discussion about ladders does not take into consideration that a unit could be
34 serviced from a man lift that has a platform. The applicants have not stated that they will use ladders,
35 they could use other equipment, and that is likely because there is an area that juts out from the
36 building. Mr. Nash is not convinced that a heat pump is an appliance because it does not have any
37 combustion as specified in the ICC definition of an appliance.
38

39 This is the first time the City of Lebanon has encountered this situation. It seems that the ICC review
40 addresses the safety concerns for service and repair. The applicant is willing to work with the
41 inspectors, therefore the inspectors suggest dropping the units onto the first-floor canopy instead of
42 hanging them on the wall. Or they could be raised above the windows, and they could be serviced
43 from within the unit. Annual inspections would likely be alright, but when unexpected repairs are
44 required, they are concerned that the units would be dangerously serviced if done by a ladder.
45

46 Mr. Katz returned and presented that he has worked with the building inspectors for two decades and
47 he believes that they are intending to do what is right. However, in this situation he disagrees. This is
48 not an appeal about design. He is appealing because he believes those two sections of the code do not
49 apply to his situation. He presented pictures to the Board Members showing other buildings with heat
50 pumps that are not built according to the way the inspectors are stipulating. If simply using electricity
51 meets the definition of an appliance, then there are many examples of electrical signage and lights

1 that are appliances and they do not have service platforms. Mr. Katz wants to show that this
2 application of the term appliance is not correct.

3
4 He believes he has done all the correct steps to build a safe building. The penetrations for the heat
5 pumps were already in the building, following a fully approved plan. Yes, they can figure out
6 something to do, but it seems that it is not a fair consideration. His appeal is still that 306.1 does not
7 apply. His engineer does not believe it applies. It is important to state what the plain language of the
8 code means. The ICC also said, the intent is relative to ensure there is no obstruction in front of or to
9 the side of the area where the work is going to be done. In this case, the true intent of the code has
10 been misinterpreted. The ICC comments the code does not apply and the intent is about roofs and
11 elevated surfaces, not anything that is in the air. He understands the arguments and the comments
12 from the ICC. There are acceptable alternatives if they are forced to follow the recommendation. It
13 would cost many thousands of dollars and it would be an inferior solution compared to what they
14 have designed. It is risky for the units to drip on one another and putting them between the windows
15 is not pleasant to the inhabitants. The alternatives are more expensive, cause an esthetically less
16 palatable living environment, and create new problems of their own.

17
18 **Vice Chair Mercer closed the Public Hearing.**

19
20 Vice Chair Mercer stated the Board's charge is to determine if these codes apply in this case, not to
21 negotiate.

22
23 **The inspectors asked to address the Board and the Public Hearing was reopened.**

24
25 The inspectors addressed the pictures that were provided by Mr. Katz. In most of these situations,
26 Mr. Shaw believes the pictured heat pumps were not approved by the City. Also, he thinks that
27 changing a light bulb is different from servicing a unit. He thinks that the service of the proposed
28 heat pumps would be above 16 feet.

29
30 **Vice Chair Mercer closed the Public Hearing.**

31
32 The Board discussed the comments from the Attorney's memo.

33
34 Man lifts and bucket trucks are reasonable ways to service the units. Trades men are extremely
35 concerned about safety and safety training. He believes that tradesmen are not going to work in an
36 unsafe manner. He believes the provisions do not apply in this case.

37
38 The members' role is to make an independent interpretation of the written word. It seems ambiguous,
39 and the ICC does not think it applies for various reasons. One thing that may apply is the obstruction
40 of the canopy to the heat pumps. The ICC does not specifically state that 306.1 or 306.5 applies to
41 heat pumps.

42
43 Some members think a heat pump is an appliance, and the intent is to make it a safe situation. The
44 interpretation of the code is vague.

45
46 ***Mr. Newlove MOVED On October 4, 2021, October 18, 2021, and November 1, 2021, at duly-noticed***
47 ***meetings of the Lebanon Building Code Board of Appeals, there appeared Jeremy Katz on behalf of***
48 ***One Mechanic Street, LLC, regarding 1 Mechanic Street (Tax Map 91, Lot 264), zoned LD: An appeal***
49 ***concerning an interpretation of Section 306.1 ("Access") and Section 306.5 ("Equipment and***
50 ***Appliances on Roofs or Elevated Structures") of the International Mechanical Code (IMC) by the***
51 ***Building Code Official. BCBA2021-01***

1
2 **I. FINDINGS OF FACT**
3

4 Based on testimony given, application materials presented, and supporting documents submitted, the
5 Lebanon Building Code Board of Appeals makes the following findings of fact:
6

- 7 1. The applicant has submitted a building permit application (BP2021-083) to renovate the building
8 at 1 Mechanic Street and to change its use from commercial to multi-family residential. As part of
9 the building renovation, the applicant proposes to install heat pumps on the exterior walls of the
10 building.
11
- 12 2. The applicant's appeal relates to the application of Sections 306.1 and 306.5 of the International
13 Mechanical Code (IMC) to the heat pumps. As set forth in a memo prepared by the Lebanon
14 Building Inspector, dated September 22, 2021, the Building Inspector has determined that:
15
- 16 • Pursuant to Section 306.1, a level working space of not less than 30 in. by 30 in. must be
17 provided for each heat pump; and
18
 - 19 • Pursuant to Section 306.5, if the height of the level working space exceeds 16 ft. above
20 finished grade, either a ladder fixed to the building, or an interior access will need to be
21 provided in order to access the 30 in. by 30 in. level working spaces.
22
- 23 3. On September 10, 2021, the applicant submitted an application to the Building Code Board of
24 Appeals appealing the Building Inspector's verbal interpretation of Section 306.5 of the IMC.
25
- 26 4. Following the filing of the appeal, the Building Inspector prepared a memo dated September 22,
27 2021, explaining the Building Inspector's determination with respect to Section 306.5 as well as
28 Section 306.1. The Building Inspector's memo also notes an alternative means of compliance and
29 that this suggestion had previously been discussed on site with the design team.
30
- 31 5. In response to the Building Inspector's September 22, 2021 memo, the applicant provided a
32 second memo from the applicant's engineer, Daniel W. Dupras, P.E., dated September 28, 2021.
33
- 34 6. The following materials were provided to the Board as part of the November 1, 2021 agenda
35 packet:
36
- 37 • Staff correspondence with the International Code Council (ICC) regarding Sections 306.1
38 and 306.5 of the IMC.
 - 39 • A memo from the Building Inspectors commenting on the ICC's answers to the questions
40 posed by staff regarding Sections 306.1 and Section 306.5 of the IMC.
- 41 In response, the applicant provided a third memo from the applicant's engineer, Daniel W.
42 Dupras, P.E., dated October 28, 2021, a copy of which was provided to the Board prior to the
43 November 1st hearing.
44
- 45 7. An e-mail from the City's legal counsel sent on October 29, 2021, was provided to the Board
46 prior to the November 1st hearing.
47

48 **II. CONCLUSIONS OF LAW**
49

1 As a result of the above findings of fact and based on testimony given, application materials presented,
2 and supporting documents submitted, the Board concludes the following:

- 3
4 1. That the true intent of the code of the rules adopted hereunder have been correctly interpreted.
5 2. That the provisions of the code fully apply.
6

7 **III. DECISION**

8
9 Now therefore be it resolved, the Lebanon Building Code Board of Appeals, on this **1st day of**
10 **November, 2021**, hereby **DENIES** the appeal, as set forth above and per testimony and materials
11 submitted, and per the following conditions:
12

13 *Seconded by Mr. McDonough.*

14 **The Vote on the Motion was approved (3-2).*
15

16 The applicant asked if it is possible to tentatively schedule a rehearing for 11/15/2021.
17

18 *Mr. Nash MOVED to tentatively schedule a meeting for 11/15/2021.*

19 *Seconded by Vice Chair Mercer.*

20 **The Vote on the Motion was unanimously approved (5-0).*
21

22 **4. STAFF COMMENTS-None**

23
24 **5. ADJOURNMENT**

25
26 *Mr. Nash MOVED to adjourn the meeting at 9:54 PM.*

27 *Seconded by Mr. Newlove.*

28 **The Vote on the Motion was unanimously approved (5-0).*
29

30 Respectfully submitted,

31 Linda Billings

32 Recording Secretary

**Agenda
Building Code Board of Appeals
November 15, 2021**

**Agenda Item #3A
Rehearing Requests**

**One Mechanic Street, LLC,
1 Mechanic Street
(Tax Map 91, Lot 264),
zoned LD
BCBA2021-01A**

**CITY OF LEBANON
APPLICATION FOR**

SPECIAL EXCEPTION	☐	☐	SITE PLAN REVIEW
VARIANCE	☐	☐	SUBDIVISION
MOTION FOR REHEARING	☒	☐	LOT LINE ADJUSTMENT
APPEAL OF AN ADMIN. DECISION	☐	☐	CONDITIONAL USE PERMIT
☐ OTHER <u>BUILDING CODE APPEAL</u>			

PROPERTY OWNER (APPLICANT):

NAME: ONE MECHANIC STREET, LLC TEL.#: 603 657 8281
 MAILING ADDRESS: PO Box 1325 LEBANON NH 03766
 E-MAIL ADDRESS: KATZ 95@GMAIL.COM

CO-APPLICANT, AGENT, OR LESSEE:

NAME: _____ TEL.#: _____
 MAILING ADDRESS: _____
 E-MAIL ADDRESS: _____

PROJECT LOCATION:

TAX MAP #: 91 LOT#: 264 PLOT #: _____ ZONE: CD
 STREET ADDRESS OF PROJECT: 1 MECHANIC STREET
 IS THIS PROPERTY LOCATED IN THE: **WETLANDS** ☐ YES ☒ NO **HISTORIC DISTRICT** ☐ YES ☒ NO
FLOOD PLAIN ☐ YES ☒ NO

SCOPE OF PROJECT:

REHEARING REQUEST

TYPE OF OCCUPANCY:

EXISTING ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
 PROPOSED ☐ VACANT ☐ ONE FAMILY ☐ TWO FAMILY ☒ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
 IF USE IS COMMERCIAL OR INDUSTRIAL, PLEASE NOTE SPECIFIC
 USE: _____

SIGNATURE BLOCK:

FOR PLANNING BOARD APPLICATIONS ONLY: I, the undersigned, hereby submit this application on the date noted below with the knowledge and understanding that the Planning Board shall determine if the submitted application is complete according to its regulations at its next regularly scheduled meeting on _____, 20____, unless I personally request, in writing, that the Board delay its determination of completeness to a later date.

PROPERTY OWNER: _____ DATE: _____

NOTE: IF, AS OWNER, YOU WISH TO DESIGNATE AN AGENT TO ACT ON YOUR BEHALF, PLEASE READ THE FOLLOWING AND SIGN BELOW: I hereby designate the person listed above as my agent for the purpose of procuring the necessary local permits for the proposed work as described herein. Representations made by my agent may be accepted as though made by me personally, and I understand that I am bound by any official decision made on the basis of such representation.

PROPERTY OWNER: [Signature] DATE: 11/9/11

DATE RECEIVED	FILE # (MAP/LOT)	APPLICATION #	FEE - \$ AMOUNT	DATE PAID	VOUCHER #

Draft Motion

Tim Corwin <Tim.Corwin@lebanonnh.gov>
To: Jeremy Katz <katz95@gmail.com>

Fri, Nov 5, 2021 at 9:54 AM

Hi Jeremy – I receive the draft motion this morning from Linda Billings:

Mr. Newlove MOVED On October 4, 2021, October 18, 2021, and November 1, 2021, at duly-noticed meetings of the Lebanon Building Code Board of Appeals, there appeared Jeremy Katz on behalf of One Mechanic Street, LLC, regarding 1 Mechanic Street (Tax Map 91, Lot 264), zoned LD: An appeal concerning an interpretation of Section 306.1 ("Access") and Section 306.5 ("Equipment and Appliances on Roofs or Elevated Structures") of the International Mechanical Code (IMC) by the Building Code Official. BCBA2021-01

I. FINDINGS OF FACT

Based on testimony given, application materials presented, and supporting documents submitted, the Lebanon Building Code Board of Appeals makes the following findings of fact:

1. The applicant has submitted a building permit application (BP2021-083) to renovate the building at 1 Mechanic Street and to change its use from commercial to multi-family residential. As part of the building renovation, the applicant proposes to install heat pumps on the exterior walls of the building.
2. The applicant's appeal relates to the application of Sections 306.1 and 306.5 of the International Mechanical Code (IMC) to the heat pumps. As set forth in a memo prepared by the Lebanon Building Inspector, dated September 22, 2021, the Building Inspector has determined that:
 - Pursuant to Section 306.1, a level working space of not less than 30 in. by 30 in. must be provided for each heat pump; and
 - Pursuant to Section 306.5, if the height of the level working space exceeds 16 ft. above finished grade, either a ladder fixed to the building, or an interior access will need to be provided in order to access the 30 in. by 30 in. level working spaces.
3. On September 10, 2021, the applicant submitted an application to the Building Code Board of Appeals appealing the Building Inspector's verbal interpretation of Section 306.5 of the IMC.
4. Following the filing of the appeal, the Building Inspector prepared a memo dated September 22, 2021, explaining the Building Inspector's determination with respect to Section 306.5 as well as Section 306.1. The Building Inspector's memo also notes an alternative means of compliance and that this suggestion had previously been discussed on site with the design team.

5. In response to the Building Inspector's September 22, 2021 memo, the applicant provided a second memo from the applicant's engineer, Daniel W. Dupras, P.E., dated September 28, 2021.

6. The following materials were provided to the Board as part of the November 1, 2021 agenda packet:
- Staff correspondence with the International Code Council (ICC) regarding Sections 306.1 and 306.5 of the IMC.
 - A memo from the Building Inspectors commenting on the ICC's answers to the questions posed by staff regarding Sections 306.1 and Section 306.5 of the IMC.

In response, the applicant provided a third memo from the applicant's engineer, Daniel W. Dupras, P.E., dated October 28, 2021, a copy of which was provided to the Board prior to the November 1st hearing.

7. An e-mail from the City's legal counsel sent on October 29, 2021, was provided to the Board prior to the November 1st hearing.

II. CONCLUSIONS OF LAW

-

As a result of the above findings of fact and based on testimony given, application materials presented, and supporting documents submitted, the Board concludes the following:

1. That the true intent of the code of the rules adopted hereunder have been correctly interpreted.
2. That the provisions of the code fully apply.

III. DECISION

Now therefore be it resolved, the Lebanon Building Code Board of Appeals, on this **1st day of November, 2021**, hereby **DENIES** the appeal, as set forth above and per testimony and materials submitted, and per the following conditions:

Seconded by Mr. McDonough.

**The Vote on the Motion was approved (3-2).*

-

Tim Corwin, AICP

SENIOR PLANNER

CITY OF LEBANON

51 NO. PARK STREET

LEBANON, NH 03766

(PH.) 603.448.1457, EXT.6127

Rehearing and/or summary reversal of the appeal denial and subsequent granting of Applicant's appeal is appropriate because the November 1, 2021 Decision in Case BCBA2021-01 is unreasonable or unlawful.

Uncontradicted testimony was presented to the Board as follows:

i) That the proposed installation was designed and professionally stamped by a licensed mechanical engineer with substantial experience installing the proposed configuration, and said designs were certified to comply with all codes.

ii) That the Lebanon Code Inspector performed a code review and issued a building permit based upon the plans in (i), above - thereby approving the installation.

iii) That Applicant's engineer considered the installation methodology to be normal and ordinary, and has designed and overseen the installation of many configurations of this sort in the past.

iv) That Applicant's engineer has substantial training and knowledge in this area and was qualified to provide expert testimony.

v) That Applicant initiated construction in good faith based upon its reliance on the permit review and issuance, and has vested rights to continue its deployment.

vi) That the Codes Officer conceded that a wall of a building was not a "roof" or "elevated structure" under Section 306.5 of the code.

vii) That multiple heat pump installations exist within the City of Lebanon that have not been subject to the imposition of 306.1 and 306.5.

viii) That the Code Officer testified that it was his opinion that Sections 306.1 and 306.5 can be read by reasonable people who can come to completely contradictory conclusions - and that the Code Officer's conclusion contradicted the ICC.

Applicant contended that Sections 306.1 and 306.5 of the International Mechanical Code are inapplicable to the installation.

Applicant's engineer provided written testimony, stamped with his license as a professional engineer in the State of New Hampshire. Applicant's engineer was offered for direct examination and cross examination, which both the Board and the adverse party had the opportunity to pursue. The Board did not dispute the qualifications or the credibility of this expert witness.

At the close of the hearing on October 4, 2021 the Board asked staff from the Planning and Zoning Department to request a formal ruling from the International Code Council (ICC) regarding the applicability of Sections 306.1 and 306.5 to the proposed installation.

At the October 18, 2021 hearing, the Board had not received a response from the ICC. Based upon the lack of response from the ICC, the Board voted to continue the hearing until November 1.

The ICC responded prior to the November 1 hearing. It ruled that Sections 306.1 and 306.5 are inapplicable to the proposed installation. Neither party objected to its inclusion in the record and the Board admitted it as evidence. The ICC's opinion was solicited by the Board because of the Board's belief in its unique and specific expertise in the matter. The Board did not dispute the qualifications or the credibility of the ICC.

As a result, the record shows uncontradicted expert opinion that 306.1 and 306.5 do not apply. This is inclusive of the expert entity that the Board, on its own motion, solicited. The record contains factual testimony that both parties testified that the wall of a building is not a "roof" or an "elevated structure."

As a result, the decision of this Board is in error for the following reasons:

- 1- The Board's decision is unreasonable or unlawful because it ignored the expert testimony (including from the Board's own solicitation of expert opinion from the International Code Council) that 306.1 and 306.5 were inapplicable to the proposed installation and there is no legitimate support in the record or the decision for a denial of the appeal.
- 2- The Board's decision is unreasonable or unlawful because it blatantly chose to ignore expert advice even though it was completely uncontradicted. The record is devoid of facts that support the Board's Decision and the opinion is nothing more than a plainly unsubstantiated conclusory opinion.
- 3- The Board's decision is arbitrary and capricious.
- 4- The Board's decision is unreasonable or unlawful in that it improperly interprets the language of Sections 306.1 and 306.5 of the Code, as well as the stated intent of the Code as testified by the ICC at the request of the Board.
- 5- The Board's decision is not reasonably based upon the record in the proceeding.
- 6- The Board's decision is unreasonable or unlawful because it makes finding of facts that were never introduced into the record and are not true. Specifically

Finding of Fact 1 states that the applicant has "submitted" a building permit "application" where the applicant "proposes" to install heat pumps on the exterior walls of the building.

This is found nowhere in the certified record. Furthermore, the proper status is that the permit has been "issued" more than 150 days prior to the appeal. See attached "City of Lebanon Permit Report."

The review and approval of the Code Officer as a precondition of permit issuance was ignored by the Board, and the Board also failed to consider Applicant's claims of detrimental reliance and municipal estoppel.

7- The Board's decision was unreasonable or unlawful when it found that 306.1 and 306.5 of the IMC "fully apply" when the Board solicited and accepted into the record ICC testimony that these sections do not apply.

8- The Board's decision was unreasonable or unlawful when it found that the true intent of 306.1 and 306.5 was correctly interpreted when the Board solicited and accepted into the record ICC testimony a contrary interpretation of the Code.

9- The Board's decision was unreasonable or unlawful because it abdicated its obligation to interpret the language of the code and instead impose its personal preferences to the installation.

10- The Board's decision was unreasonable or unlawful because it singles Applicant out for different treatment within the City versus other installations of heat pumps that did not have 306.1 and 306.5 imposed upon them.

11- The Board's decision was unreasonable or unlawful because it renders the Code unconstitutionally vague or imposes an ambiguous regulatory scheme that subjects itself to arbitrary interpretation and/or enforcement.

12- The Board's decision was unreasonable or unlawful because it produces patently absurd and impracticable results.

13- The Board's decision was unreasonable or unlawful because it denies Applicant enjoyment of substantive property rights that were vested when it performed substantial construction in good faith reliance on the City's code review and subsequent permit issuance.

City of Lebanon

Permit Report

From: 2021-01-01T00:00:00 To: 2021-11-04T00:00:00

03/01/2021	2021-075	Alteration	21 TECHNOLOGY DRIVE LP	21 TECHNOLOGY DR	145-1	\$20,000.00	Permit Issued	\$205.00
03/01/2021	2021-076	Alteration	SAWICKI RESIDENCE	7 WINTER ST	77-92	\$22,500.00	Permit Issued	\$220.00
03/01/2021	2021-078	Alteration	Craig Morton	77 WELLINGTON CIR	119-54	\$50,000.00	Permit Issued	\$394.00
04/07/2021	2021-079	Alteration		1 MEDICAL CENTER DR	10-8	\$1,101,100.00	Permit Issued	\$8,208.59
03/15/2021	2021-080	Sign-Wall Mounted	HANNAH'S ALLURE SALON/SPA, LLC	74 MECHANIC ST	106-57	\$400.00	Permit Issued	\$37.00
03/01/2021	2021-081	Mechanical	MILES, JANICE M TRUSTEE MILES, JANICE M REV TRST	15 TENLEY DR	102-28	\$7,800.00	Permit Issued	\$128.00
03/11/2021	2021-082	Mechanical	THORLEY/CULVER RESIDENCE	1 TENLEY DR	87-151	\$10,334.00	Permit Issued	\$144.00
04/05/2021	2021-083	Alteration	1 MECHANIC ST, LLC	1 MECHANIC ST	91-264	\$1,154,000.00	Permit Issued	\$8,597.40
03/01/2021	2021-084	Demolish	EDWARDS PROPERTIES	30 LITTLE HEATER RD	78-61	\$15,000.00	Permit Issued	\$173.00
03/01/2021	2021-085	Demolish	EDWARDS PROPERTIES	1 FOCHAVE	78-49	\$15,000.00	Permit Issued	\$173.00
03/01/2021	2021-086	Demolish	EDWARD PROPERTIES	10 PERSHING ST	78-58	\$15,000.00	Permit Issued	\$173.00